

JUSTIFICATION OF THE PRAGMATIC METHOD OF RESEARCH IN CRIMINALITY

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However odd it may appear, still the problem will remain a timely one: at present namely many of the experts of criminality, both criminalists and criminologists question or reject the search for the causes of criminality or criminal human behaviours. This sceptical or negative point of view manifests itself in the first place on the part of certain experts of criminality of the western countries. Still a dissenting appraisal of the problem may be encountered also in the works of socialist specialist. It appears therefore to be justified to throw out a few ideas in this connection.

At the end of the 19th century, when it was about to develop to a discipline of its own, criminology gained independence exactly because it embarked on the study of new aspects of criminality and criminal human behaviour, the causal relations, the "why" of the origins and existence of criminality, and on the ground so explored, on the study of the chances of prevention. It is the general belief that even today etiology is one of the fundamental scopes of criminology, that the principal objective of criminology is to offer an answer to the question, why did X.Y. commit a criminal offence, and even more, why the X.Y.'s commit criminal offences at all, i.e. why there is criminality and why does it change in the manner it changes, and finally, how could criminality be changed so as to become less dangerous to society for both its volume and structure.

1. Western criminological opinions of the futility of the pragmatic method of research

Still let us see from where do those denying, or at least querying the existence of causality set out in their studies. Robert *MacIver* in one of his treatises writes: "It is vain to seek the cause of crime as such, of crime anywhere and everywhere. Crime is a legal category. The only thing that is alike in all crimes is that they are alike violations of law. In that sense the only cause of crime as such is the law itself. What is

a crime in one country is no crime in another; what is a crime at one time is no crime at another." He then continues: "It has no inherent quality or property attaching to it as such, attaching to crime of all categories under all conditions. If indeed we do raise the question: Why crime? We are asking merely why people are so constituted that they violate laws under any conditions whatever. The question has no more specific significance than the question: Why human nature?"¹

In fact there can be no talk of causality, where criminal law itself has been made the sole cause of the criminal offence. If this "interrelation" were accepted as a fact, criminality could be put an end to in a very simple manner. The problem could be solved with a single legislative act. All that has to be done is to set aside the rules of criminal law and there would be no more criminal offences. Or simply the machinery of criminal judicature has to be laid off and its personnel given other assignments. This approach turned topsyturvy has but one explanation, namely that its partisan wants in the first place or exclusively to discover a formal violation of the law in the criminal offence. The real content of the offence, i.e. its danger to society, recedes to the background, or has become insensible. In our opinion criminology, if it wants to adhere to its original function, has to remember that there are criminal offences (behaviours to a high degree dangerous to society) not because the offence has been made criminal by criminal law, but because the state declares certain form of human behaviour to be acts to be prosecuted with special means, i.e. to be criminal acts, because they imply danger to society, and in the opinion of the legislator these special means of criminal law may be used most effectively against them. *Therefore a causal relation should be sought between the criminal offences and the phenomena which produce human behaviours dangerous to society and entailing sanctions of criminal law.*

From the second part of the quotation it is evident that in the author's opinion the causes of the crime, if this has a meaning at all, may be discovered in human nature. Not only socialist criminology but also the majority of western criminologists considers this causal concept of criminology, far away from the sociological approach, discredited.

Strictly speaking it is due to the legal concept of the criminal offence subject to changes in space and in the temporal order that the author adopts a point of view denying the causal relation. Still even other western criminologists give expression to their opinion that criminology is at a loss when it comes to tackle the legal concept of the criminal offence. According to Thorsten Sellin the acceptance of the legal notion of the criminal offence and of the offender renders criminological research superfluous and criminology has to free itself of the fetters forged by criminal law. According to this author the criminal and non-criminal acts cannot on causal grounds be segregated from one another with any accuracy, the result, i.e. the criminal act being void of any precise notion. Still Sellin doubts the regular character of the causal relation also in general, and not only for this reason. In his opinion science has

already given up the notion of cause. Where it is nevertheless applicable it is the field of functional relations between the elements and facts.²

It may suffice perhaps to quote the doctrine of Manual *Lopez-Rey* as one denying causality. Lopez-Rey in a recently published paper, otherwise amply interspersed with excellent factual material writes as follow: "As a rule crime is still regarded as a causal entity the causes of which will eventually be persistent criminological research and eventually suppressed or considerably reduced. My contention is that crime is a conceptual and not a causal or natural entity, i.e. it is what, at a historical juncture, is defined as such by the legitimate order in accordance with a changeable but always fundamental system of values and the structure and aims of a given society. . . . As a conceptual entity the meaning and extent of crime changes more in accordance with the evolution of fundamental values and socio-economic, as well as political aims than as a result of the discovery of its "causes". . . . Contemporary criminology tries unsuccessfully to avoid this conceptual character of crime by using such vague concepts as deviant or deviance or by styling itself a meta-science entitled to coin its own definition of crime".³

From the doctrines here presented it is obvious that the denial or the calling into doubt of the causality of criminality and criminal human behaviour by certain western criminologists may in the first place be explained by the legal, "ideal constructive" character of the notion of the criminal offence. The fact that the notion of the criminal offence and the sphere of phenomena qualified as such is subject to changes in space as well as in the temporal order, has created in a part of the criminalist the impression as if they were confronted by a phenomenon which depends on legislation at any time, its consequence, its "result" and not by a natural causal phenomenon. The representatives of this idea are right in so far as the notion of the crime and also of criminality is of legal character and has social-political contents. This circumstance does not, however, preclude the real, objective nature of the crime and criminality, and cannot question the recognition of the fact that the violation of the exigencies of society at any time comes also within the system of universal causality, i.e. the behaviour infringing the punitive norms has also its causes and conditions. As far as we know and believe the exploration of the causes of human behaviour in a manner independent of the regulation of criminal law was never, and cannot even be, the function of criminology. It is not the function of criminology e.g. to find the causes of bodily lesion caused by another man. What comes within the province of criminology is the exploration of the causes and conditions of the causation of harmful lesions brought about in defiance of the provisions of criminal law and involving dangers to society. It is on this understanding that a surgical operation may be segregated from the behaviour of a rowdy, violent person of fighting disposition. Or there is yet another example: The causation of slight damage in social property in order to stave off the supervention of considerable losses.

In this behaviour the spirit to protect social property prevails as contrasted to the acts of the looters of property.

Hence criminal etiological research before all answers the question why does a group of men (those of the offenders) infringe the norms of criminal law in the one way or the other, or why this group does not conform to the demands of society. It would be a denial of reality to assert that the violation of the demands of society manifesting themselves in the norms of criminal law is void of causes or that it is an irrational human behaviour. Such an approach to the question would conflict with the materialist-deterministic concept. In our opinion, however, socialist criminology has to set out from this fundamental concept.

2. The meaning and the role of the pragmatic method of research in socialist criminology

The criminological literature of the socialist countries in general recognize the existence of causality and the importance of its study. The causal relation has been accepted as an objective category, a relation independent of our consciousness between the phenomena of nature and those of society, and so between criminal human behaviour and the objective phenomena determining it.⁴ Among socialist authors disputes or dissentient opinions before all emerge at the interpretation of causality. Some of the authors recognize the dynamic form only of causality and consider the introduction of statistical, stochastic relations into criminology superfluous.⁵ Others believe that statistical regularity or statistical laws are dominant also in criminality.⁶ Yet others come to the conclusion that owing to the defective contents of the doctrine of causality the convenient way is to concentrate on objectives somewhat more modest than the pragmatic method of research, e.g. the study of the process of the development of a person to a criminal.⁷ According to J. Molnár the study of the process of turning criminal may be segregated from the pragmatic method of research. "Namely in any criminological research of an etiological nature the criminal offence will manifest itself as a concrete human act and not as the abstraction of unlawful human behaviours. Once the criminal offence has been committed research will have to be directed to the demonstration of the factors in whose presence the concrete determining process leading to the perpetration of the act took place."⁸

In fact, criminology has to study the process determining the perpetration of the concrete crime, still in our opinion criminology has been called for yet more. It cannot content itself with the exploration and formulation of individual causality, it has to investigate also what is common or general in the many concrete and unique causal relations, what is characteristic of the whole, of criminality itself. It is only in this way that the laws of criminality, as a mass phenomenon of society, can be explored, of the laws namely which to a lesser or higher degree permit

the prediction of the likely behaviour of the individuals or of the frequency of the occurrence of the phenomena in question. Prognostication of criminality may then be built upon these laws. This prognostication will eventually become the basis for planned guidance of prevention or for the effective prosecution of criminality. Criminology cannot therefore content itself with the individual approach to the problem so supreme in criminal judicature. Beyond this, and in the first place, the mass phenomenon approach has to be given prominence, i.e. the laws criminality as a whole has to be explored.

In connection with the pragmatic method of research problems of extreme significance have been raised by Dr. L. *Viski* in his dissertation for an academic doctor's (Dr. SC.) degree.⁹ In this dissertation an attempt has been made to draw the outlines of an omni-factorial and integrated theory of criminality of field approach or method. The adjective omni-factorial wants to indicate that in research work all factors have to be considered which are instrumental in the perpetration of the criminal offence. The term integration applies in the course of the study of the criminal offence to the joint recourse to the legal, sociological and psychological approach. The term field approach substantially implies that the criminal offence comes into being as the combined effect of the various spheres of the circumstances of living.

In our opinion these basic theses or postulates are in general correct and reflect reality. In issues of detail, however, considerable differences will come to light. Socialist criminological literature, and within it, Hungarian, has proclaimed these ideas already before, if even not wholly with these contents and under this heading, but simply without labelling them.¹⁰

The ideas of the author on the relations of the integrated theory of criminality and criminology deserves better attention and in our opinion a more precise formulation. Unfortunately within the scope of the present paper it is impossible to enlarge on all that deserves recognition and criticism in *Viski's* paper. Here we have to confine ourselves to problems coming within the province of causality. Let us begin the following discussion with a quotation from *Viski's* work: "As regards the etiological approach the integrated theory of criminality has to consider the notion of "the" criminal offence or of "the" criminal an inadmissible abstraction, where the criminal law contesting behaviour displayed may constitute the only generalizable common trait. As regards the particular types of behaviour, however, provided that typization is "systematic and realistic" it is imaginable that unchanging and uniform theories of causality, may be formed which also gets rid of the absurdity of the wide eclecticism.* It is therefore meaningless to explore in general the "causes of criminality": "The criminality has no more causes than the human behaviour in general. Or more exactly: the causes of criminality are identical with those of the human behaviour".** In addition! "The forcing the phenomenon of criminality into the bed of Procrustes of cause and effect" is a theoretical error: The exclusive application of the

causal analysis includes the same logical error as the antropocentric explanation of the animal behaviour".***¹¹

This quotation put together of the words of others is obscure and hard to grasp.

According to the latter part of the quotation it is an error of principle to force the phenomenon of criminality into the bed of Procrustes of cause and effect. In fact it is not the sole characteristic of criminality that, like any other phenomenon, it fits into the universal system of causal interrelations. Apart from this criminality has several other essential properties: e.g. it has dynamics and a structure. It is for this reason that the statement is correct. Still as regards socialist literature of criminology, so far we could neither read nor hear as if anyone had identified the knowledge relating to criminality with etiological doctrines. As regards modern western doctrines of criminology many come to the conclusion that the exploration of the causes of criminality must be prohibited (see Viski, op. cit., note***) because many identify the causal relations, the causal mechanism, i.e. causality with causality prevailing in mechanical phenomena, and therefore "rightly" protest against the generalization of cause and effect.

Still in the sphere of human behaviour, and so also of criminal human behaviours, there are other kinds of causal relations namely causal relations of which interactions and not only the cause and effect relation, are characteristic. Thus causal analysis, too, has attained a different meaning. It would have been the proper course had Viski in his paper referred to these facts, facts which in another part of his paper he discusses correctly, and did not permit the reader to come to a conclusion as if he were in agreement with the relevant passage of the quotation.

In Hungarian professional literature, however, there are authors who speak with scepticism of the rule of causality in criminal human behaviours. By way of example let us quote from the dissertation of Imre Békés for the degree of a candidate:

"The question whether the individual may be held morally responsible for the faults of his faculties, i.e. attention, foresight, automatism, etc., or the deficiencies of will, the wrong structure of personality, or because man has a causal fate only but no life, cannot be answered in a manner confirmed by evidence. In accordance with my point of view until the natural sciences do not convince mankind (not those learned in law, but the broadest public opinion) of the causal nature of cogitation and in general of the psychic processes, and until men attribute a moral significance to the behaviour of their own and of anybody else, until the illusion of "I could have done it otherwise" and the feeling of a remorse of conscience are still alive, the jurists will have to recognize the cooperation of the individual as joint author in the moulding of his career, his intellectual, sentimental and emotional world, in the development of his character and actual behaviour."¹²

The fact that Békés places the life of man in juxtaposition to the causal fate of man, that he does not seem to believe in the existence of

causality in the criminal human behaviour confirmed by evidence, originates in our opinion from the incorrect interpretation of causality, from the identification of mechanical causality and "the" causality. Without enlarging on the details of the issue we would simply make it clear that the causal pattern of conscious human behaviours, their causal mechanism, substantially differ from causality as dominating in mechanics, or in a wider sense, in the world of nature. Among the subjective causes of acts (and so also criminal acts) performed by man there will always exist final causes, the anticipated pictures of possible future behaviours adequate for the satisfaction of needs. Engels appositely remarks: "The causes of the acts of man appear in the forms of the ends, the desires of man. This is what is new in point of principle, this is by what causality in the life of society differs from causality in nature."¹³ Hence for the purpose of the fight against criminality the proper interpretation of causality and the exact as possible exploration of the causal factors is needed rather than the denial of causality or the prohibition of the exploration of causes.

The second thesis of Viskii's quotation deserving notice qualifies the exploration of the causes of criminality in general as meaningless, the causes of criminality being identical with those of human behaviour.

In the history of criminology, when efforts were made for the formulation of the most general causes of criminality, often erroneously the causes of criminality were formulated on the level of general human behaviour. E. Ferri, when he created his theory based on three factors, and traced the criminal offences to the (1) anthropological effects, (2) to those of the social factors, and, (3) to those of the physical environments, strictly speaking formulated the causal factors of human behaviour. In the same way neither are the endogenous and exogenous factors of *Liszt* specially the causal factors of criminality only, but those of all human behaviours. When now the coupling of criminality and causal factors on this level is kept in view, the statement will become understandable that criminality has no more causes than human behaviour itself, or more precisely, the causes of human behaviour are the causes of criminality.

Logically this coupling is, however, erroneous since no sign of equality can be inserted between the causes of human behaviours and those of criminality, the two being phenomena appearing on different levels. Criminal human behaviours answer only for a part, or a group, of the totality of human behaviours, a part or group which with the epithet "criminal" is kept apart from other (non-criminal) human behaviours. It therefore within the sphere of phenomena we examine a group only of the multitude (of human behaviours), namely that of the criminal acts and not the whole, even within the sphere of causes a line will have to be drawn between the multitude as whole and the part multitude. i.e. here too there is need for the segregation of the group of general causes, i.e. the biological, social and physical factors, distinguished by some sort of an epithet. This is the fundamental postulate of statistical clas-

sification. For the purpose of criminology this means that it will not suffice to trace back the causes of criminality to the effects of the biological, social and physical factors in general. It has to be made clear at the same time which biological, social and physical factors may be regarded as causal factors. In this case it will be obvious at once that on the level of mass phenomena law-abiding behaviours helping the interests of society to domination will in general have causes other than criminal behaviours i.e. behaviours ignoring the interests of others.

It remains a fact though that on exploring the causes of criminality we shall not discover factors existing only in offenders, or such as may be found in each offender. It does not follow, however, that the exploration of the causes of criminality should be prohibited. Incidentally this conclusion is inconsistent, for neither in the types of criminal offences can causal factors of this kind be discovered, although according to the quotation their causal research and the development of theories of causality relating to these is virtually possible.

At present the idea is fairly well established that for the criminal offences several causal factors (causes and conditions), i.e. the joint effects of the "omnifactors" have to account. *Thus the recurrence of criminal offences is not the consequence of the recurrence of a single cause, but of the constellation of the causal factors.*¹⁴ It does not follow, however, that the elements (causal factors) of the constellation, accounting for the commission of the criminal offence do not occur in causal constellations eliciting noncriminal human behaviours. What follows, however, and what appears to be borne out by criminological research work, is that there are causal factors which occur in the causal constellation leading to the perpetration of the offence with a frequency greater than in constellations bringing forth non-criminal human behaviours.

In modern criminology these not exclusively, still often significantly recurring causal factors (causes and conditions) which pave the way to criminal offences have received the designation of criminogenous. Unlike certain western criminologists socialist criminologists attribute a meaning to the designation of these factors, in particular when they can tell what other factors are associated with them, i.e. what constellations leading to the perpetration of offences are of most frequent occurrence.

Naturally against this reasoning the argument may be brought forward that so far no allround survey has produced data of the frequency of the occurrence of what are called criminogenous factors. Whole populations have not yet been examined for the occurrence of factors called criminogenous in them. There are no records of surveys (probably because it is unlikely that ever such surveys have taken place) where to the totality of offenders so to say as a control group (the totality of those having a clean record would have been placed) in juxtaposition. There are on the other hand data of the rate of certain factors e.g. illiteracy, hostile attitude to work, etc. in the one or the other multitude. Undoubtedly an in the strict sense of the term all-round survey might be of considerable interest and might even produce in very respect

conclusive evidence. Still in our opinion it would be unfounded to bring forward claims to such a survey, and perhaps there is not even need for one. Representative surveys made so far with control groups¹⁵ bear testimony to the fact that sample multitudes excellently (with departures of a few per cent's only) represent the multitude as a whole. And these surveys confirm that the causal factors of criminal and non-criminal human behaviours present different structures and rates widely apart from one another.

From what has been set forth so far by way of inference we may state that the abstraction of the notions of "the" criminal offence and of "the" offender is not unwarranted, even on etiological considerations if the notion of criminality is tied to space, time and a definite system of criminal law. In this case it is exactly the as exact as possible delimitation of the notions of the criminal offence and of the offender which permits the institution of a census of concrete crimes and offenders, i.e. the study of criminality as mass phenomenon. Certain western criminologists proclaim the incompatibility of the infringement of criminal law as fundamental criterion of all criminal offences and the pragmatic method of research, because in this case it is the causes of the infringement of rules in general that have to be explored and not those of murder or theft. In their opinion there is a difference of "valuation" only between criminal and non-criminal human behaviours on the level of criminality. This remains a fact. Set this social and legal valuation in general reflects objective realities or substantial differences of contents even when the boundary between criminal and non-criminal human behaviours is an artificial one, and along this boundary differences tend to fade away. We always have to keep in sight that even criminal human behaviours constitute a continuous series between the purely positive and purely negative poles, with condensations towards the latter. It is exactly this continuity which insists on the careful drawing of the line of partition, on the precise definition of the notions of the criminal offence and the offender.

From the causal point of view this trend of thought indicates that in the course of the exploration of the causes of criminality as a whole the issue will in fact emerge in the first place in the form of why the offenders infringe the norms of criminal law, why they do not conform to the postulates of society, which are the most frequently occurring causal factors or causal constellations which lead to the perpetration of criminal offences. When it comes to the study of the internal structure or the categories of criminal offences as a matter of course the problem will cease to be only one of the causes of the infringement of the norms of society. The problem will in the first place become one of why a particular type of norm have been infringed. Still not even on this level, notably on the level of the typical a causal factor or factors can be discovered which without exception may be retrieved in all offences coming within the sphere of the typical. What is true, however, is that, as related to non-criminals, there is a significance in general higher than for cri-

minals or offenders. Still for research continued on both levels, criminal and non-criminal, it is in general agreed that causal factors occurring with great frequency are characteristic of the multitude (of the whole or the type). (It is not necessary that these factors should manifest themselves in each individual without exception). Such significant causal factors or causal relations determine the law of criminality. This law or regularity will then be projected from past to future, and it is on this ground that prognoses can be made at all and that the necessary measures can be planned.

In our opinion in westerns criminology "great, comprehensive" general monocausal theories provided with a variety of labels make there appearance because the authors of these theories are forced to formulate parts of reality in an exact manner, whereas instead of recognizing and enforcing the materialist concept postulated for synthetization or integration, or for the formulation of regularities and laws, they prefer to generalize the results of their research work covering parts of the whole only. *Viski* is right when he writes that these causal theories defy generalization. Still the scholars of socialist criminology may openly and unambiguously state that materialist determinism, universal causal regularity dominate also in the sphere of criminal human behaviour. The causal relations may owing to the discrepancies of phenomena present divergent forms, still their existence cannot be denied. The methods of research of socialist criminology may be adequate or less adequate, still these methods will in any case have to rely on dialectics. The value or usefulness of the causal theories of criminology will before all depend on the degree of exactness with which theory will be capable of formulating the causal regularities of criminality, and on the extent to which it demonstrates the mechanism of causal determination in criminal human behaviour.

With this presentation and valuation of some of the problems of causality selected at random it has been our intention to make it clear that causality is a cardinal issue of criminology and a field not yet properly cleared up. The fact that certain western criminologists, some of them well-known and generally recognized scholars, deny causality or call into doubt the significance of the pragmatic method of research of criminality, does not of necessity betray the crisis of the principle of criminological causality. It is, however, an indication of the need for yet greater attention to be applied to the study of the issue and to the clarification of the concepts. This is borne out also by the circumstance that socialist experts of criminalistics, who though recognize the existence of causality in criminal human behaviour, the importance of the study of this causality, depart from one another widely in the interpretation of the notions. In our opinion this divergence of interpretation is accounted for by a confusion or inaccuracies of notions. Socialist criminology considers the pragmatic method of research the study of reality, of really existing relations, and therefore it insists on the pragmatic method of research of criminality and on the clearing up of the issues of causality.

NOTES

¹ MacIver, R.: Social Causation. In Wolfgang—Savitz—Johnston: The Sociology of Crime and Delinquency. New York—London, John Wiley and Sons, 1962. p. 73.

² Sellin, Th.: Sociological Approach to the Study of Crime Causation in: Wolfgang—Savitz—Johnston op.cit., p. 3—5.

For western doctrines on the causality of crime see: Raskó, G.: A szociológia és a kriminológia (Sociology and criminology) in Kriminológiai és Kriminalisztikai Tanulmányok (Studies in criminology and criminalistics) 10. 1973.

³ Lopez-Rey, M.: Crime and the Penal System. Australian and New Zealand Journal of Criminology, March, 1971. 4. 1. p. 6—7.

⁴ In Hungarian literature see: Vermes, M.: A kriminológia alapkérdései (The fundamental questions of criminology) Budapest, Akadémiai Kiadó, 1971. Chapter III.

Vigh J.: Kausalitás a kriminológiában (Causality in criminology) Jogtudományi Közlöny, 11—12/1968.

Viski, L.: Közlekedési büntetőjog (Traffic criminal law), 1972. (Dissertation).

⁵ Simor, P.: Szocialista nézetek a bűnözés okairól (Socialist ideas of the causes of criminality) Kriminalisztikai Tanulmányok (Studies in criminalistics), Vol. 7.

⁶ Kudryavtsev, V. N.:

Проблемы причинности в криминологии.

(Problems of causality in criminology). Voprosi Filozofii, 10/1971.

⁷ See Molnár, J.: Galéri bűnözés (Gang criminality). Budapest, Közgazdasági és Jogi Könyvkiadó, 1971.

Szabó, A.: A kriminológiai alapkutatások elvi kérdései. (Questions of the principles of fundamental research in criminology). Állam- és Jogtudomány, 1963. vol. VI.

⁸ Molnár: op.cit., p. 115.

⁹ For the relevant part see: Viski, L.: Integrált bűnözélmélet és közlekedési kriminológia. (Integrated theory of criminality and traffic criminology), Jogtudományi Közlöny, 9/1973.

¹⁰ For this see: Földvári, J.—Vigh, J.: Kriminológia (Criminology) Lecture notes. Budapest, Tankönyvkiadó, 1968, p. 46.

¹¹ Viski: op.cit. Jogtudományi Közlöny, p. 450.

Notes in the Viski's quotation:

* Vold, G. B.: Theoretical Criminology, New York, Oxford University Press, 1958 p. 314.

** Morris, N.—Hawkins, G.: The honest politicians guide to crime control. Chicago—London, The University of Chicago Press, 1970, 50—53. p. 47.

*** Morris—Hawkins: op. cit. pp. 50—53.

According to these authors the exploration of the causes of criminality should be prohibited.

¹² Békés, I.: A gondatlanság a büntetőjogban. (Negligence in criminal law). Dissertation for the candidate's degree. 1972, pp. 494—495.

¹³ Engels, F.: Ludwig Feuerbach and the end of German classical philosophy. Marx—Engels: Selected Works, (Hungarian edition) vol. III. p. 226.

¹⁴ Only for the sake of labelling see for details of the causal theory of constellation: Vigh—Gönczöl—Kis-Szabó: Erőszakos bűncselekmények és elkövetőik (Crimes of violence and their perpetrators) Budapest, 1973. Chapter X.

¹⁵ See research works done at the National Institute of Criminology and Criminalistics in Budapest or Glueck, Sh. and E.: Unraveling Juvenile Delinquency. Cambridge, Mass., Harvard University Press, 1950.

О ПРАВЕ НА СУЩЕСТВОВАНИЕ ИССЛЕДОВАНИЯ ПРИЧИН ПРЕСТУПНОСТИ

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(Резюме)

Некоторые буржуазные, а даже и социалистические криминологи отрицают или ставят под вопрос осуществление и существование причинности каузальности в области преступности. Они ссылаются чаще всего на правово-общественный характер преступлений, и считают его явлением, находящимся вне сферы каузальности, в котором не может осуществляться связь между причиной и следствием. Из этого понятия «по праву» вытекает крайний вывод, что нужно запретить исследование причин преступности. Социалистическая криминология не может согласиться с этим понятием, во первых, так как нет такого явления, которое не было бы следствием причин, во вторых, ибо предупреждение преступности может быть осуществлено только с знанием причин.

Подвергается критике и то утверждение, что причинами преступности являются те же явления, как и другого человеческого поведения. Положение неправильно не только с точки зрения формальной логики, но его несостоятельность может быть установлена и путем практики. Преступления, как и другие общественные явления имеют много причин, и не только наличие причинных факторов, но и их констелляция создает возникновение преступления. В области преступности причинные отношения не поле-теория Курта Левина отражает правильно, а констелляционная теория причинности.

ÜBER DIE EXISTENZBERECHTIGUNG DER URSACHENFORSCHUNG DER KRIMINALITÄT

von

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(Zusammenfassung)

Manche bürgerliche, aber auch sozialistische Kriminologen verneinen, oder versehen mit einem Fragezeichen die Geltung oder Existenz der Kausalität auf dem Gebiet der Kriminalität. Sie berufen sich meistens auf den rechtlich-gesellschaftlichen Charakter der Verbrechen, und als solches betrachten sie es als eine Erscheinung außerhalb der Kausalität, bei der Zusammenhang von Ursache und Wirkung nicht zur Geltung kommen kann. Aus dieser Auffassung kann „mit Recht“ die extreme Schlußfolgerung gezogen werden, daß die Forschung nach Kriminalitätsmotiven verboten werden muß. Die sozialistische Kriminologie kann mit dieser Auffassung nicht einverstanden sein, erstens, weil es keine Erscheinung gibt, die nicht die Wirkung von Ursachen wäre, zweitens, weil die Prävention der Kriminalität nur in Kenntnis der Ursachen verwirklicht werden kann.

Auch die Behauptung bedarf der Kritik, daß die Ursachen der Kriminalität die selben seien wie diejenigen anderer menschlicher Haltung. Die These ist aber nicht nur hinsichtlich der formalen Logik falsch, sondern ihre Unhaltbarkeit ist auch praktisch nachzuweisen. Die Verbrechen haben ähnlich wie bei anderen gesellschaftlichen Erscheinungen mehrere Ursachen, und nicht nur die Existenz der kausalen Faktoren, sondern auch deren Konstellation führen zum Zustandekommen des Verbrechens. Die kausalen Verhältnisse auf dem Gebiet der Kriminalität werden nicht durch die Theorie von Kurt Levin richtig wiedergegeben, sondern durch die Konstellationsursachentheorie.